

Senate File 2279 - Introduced

SENATE FILE 2279

BY D. JOHNSON

A BILL FOR

1 An Act relating to confinement feeding operations, by providing
2 for the use of the master matrix when approving a permit to
3 construct a confinement feeding operation structure, and
4 including effective date and applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 459.304, subsection 3, paragraph b, Code
2 2018, is amended to read as follows:

3 b. The board must conduct an evaluation of the application
4 using the master matrix as provided in [section 459.305](#). The
5 board shall compile and analyze the results of the comments in
6 order to complete its evaluation and make a recommendation.
7 The board's recommendation may be based on ~~the master matrix~~
8 ~~or may be based on comments under~~ as described in [this section](#)
9 regardless of the results of the master matrix.

10 Sec. 2. Section 459.305, subsection 2, Code 2018, is amended
11 to read as follows:

12 2. a. The master matrix shall include criteria valuing
13 environmental and community impacts for use by county boards
14 of supervisors and the department. The master matrix shall
15 also include good neighbor criteria valuing items provided in
16 an ordinance if adopted by a county board of supervisors. The
17 master matrix shall include definite point selections for all
18 criteria provided in the master matrix. The master matrix
19 shall provide ~~only for scoring of positive points and shall~~
20 ~~not provide for deduction of~~ adding and deducting points. The
21 master matrix shall provide for a minimum threshold score
22 required to receive a satisfactory rating. The master matrix
23 shall be structured to ensure that it feasibly provides for a
24 satisfactory rating.

25 b. ~~Criteria~~ The master matrix shall include criteria
26 valuing environmental impacts which shall account for animal
27 agriculture's relationship to quality of the environment and
28 the conservation of natural resources, and may include factors
29 that refer to all of the following:

30 ~~a.~~ (1) Topography.

31 ~~b.~~ (2) Surface water drainage characteristics.

32 ~~c.~~ (3) The suitability of the soils and the hydrology or
33 hydrogeology of the site.

34 ~~d.~~ (4) The proximity to public use areas and critical
35 public areas.

1 ~~e.~~ (5) The proximity to water sources, including
2 high-quality water resources.

3 c. If the master matrix includes good neighbor criteria,
4 the criteria's factors and values shall be assigned by county
5 ordinance. The factors and assigned values shall be consistent
6 with factors and assigned values assigned to the other
7 criteria. The criteria may relate to any of following:

8 (1) The separation distance from the proposed confinement
9 feeding operation structure and the nearest residence.

10 (2) The extent that the proposed construction site may
11 not be suited for the type of confinement feeding operation
12 structure proposed.

13 (3) Whether at least one project manager actively involved
14 in making all major decisions regarding the siting and
15 construction of the proposed confinement feeding operation
16 structure attends and participates in a public hearing
17 concerning the permit application as provided in section
18 459.304.

19 (4) Whether the proposed construction of a confinement
20 feeding operation could reasonably affect the use of any of the
21 following:

22 (a) A public use area or recreational area.

23 (b) The quality of any water source used as a source for
24 drinking water.

25 (5) Whether the proposed construction of a confinement
26 feeding operation structure could reasonably affect the
27 physical health of neighboring residents.

28 Sec. 3. APPLICABILITY — PENDING APPLICATIONS. The
29 amendments to sections 459.304 and 459.305 in this Act shall
30 not apply to an application to construct, including expand,
31 a confinement feeding operation structure as provided in
32 section 459.303 that is pending approval or disapproval by the
33 department immediately prior to the effective date of this Act.

34 Sec. 4. EFFECTIVE DATE. This Act, being deemed of immediate
35 importance, takes effect upon enactment.

1 EXPLANATION

2 The inclusion of this explanation does not constitute agreement with
3 the explanation's substance by the members of the general assembly.

4 This bill amends the "Animal Agriculture Compliance Act"
5 (Code chapter 459) which generally regulates confinement
6 feeding operations including associated confinement feeding
7 operation structures by the department of natural resources.
8 The bill amends provisions requiring that an application
9 to construct or expand a structure must be evaluated by a
10 participating board of supervisors in the county where the
11 structure is to be located. The evaluation process includes
12 the scoring of criteria that is part of a master matrix. The
13 bill revises the types of criteria that must be included in the
14 master matrix.

15 The bill provides that a board may add good neighbor
16 criteria that includes a number of factors and assigned values
17 established by ordinance. The criteria may relate to the
18 proposed structure's distance from a residence, the suitability
19 of the proposed site for construction, a project manager's
20 participation in a public hearing concerning the permit
21 application, and the extent that the proposed construction
22 could reasonably affect the use of a public use or recreation
23 area, a source of drinking water, or the health of neighboring
24 residents.

25 The bill's provisions do not apply to an application that is
26 pending approval or disapproval by the department immediately
27 prior to the effective date of the bill.

28 The bill would take effect upon enactment.